



Attorney Docket No.: A-55320-2/RFT/MTK

AF/GP 1644
PATENT
Gordon To May
98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: SCHWADRON, R.
POULETTY et al.)
Serial No. 08/630,383)
Filed: April 10, 1996)
For: CYTOMODULATING)
CONJUGATES OF MEMBERS)
OF SPECIFIC BINDING PAIRS)

RECEIVED
TECH CENTER 1600/2900
98 OCT - 8 PM 2:08

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, BOX AF, Washington, DC 20231

on 6 Oct 2, 1998.

Signed: Suzan Lindstrom
Suzan Lindstrom

RESPONSE TO NOTICE OF DEFECTIVE NOTICE OF APPEAL OR BRIEF

Assistant Commissioner for Patents
BOX AF
Washington, DC 20231

Sir:

This is in response to the Notice of Defective Notice of Appeal or Brief (Paper No. 17) mailed May 18, 1998.

The Commissioner is authorized to charge any additional fees, including extension fees, which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-55320-2/RFT/MTK).

- Serial No.: 08/630,383
Filed: April 10, 1996

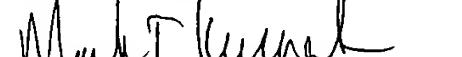
In the above referenced Notice of Defective Notice of Appeal or Brief, the Examiner states that the appeal in the above captioned case is dismissed and the application is abandoned. Specifically, the Examiner states that since the subject application is allegedly not entitled to the provisions of 37 CFR 1.129, the amendment and 37 CFR 1.129 submission filed by Applicants on March 2, 1998 is not effective. Applicants respectfully disagree.

In this regard, Applicants wish to direct the Examiner to the amendments to 37 CFR made final on July 2, 1998 which state that for CPA applications filed subsequent to December 1, 1997, the prior application of a CPA application need not have been filed on or before June 8, 1995. As such, CPA practice as described under 37 CFR 1.129 is applicable to the present application and the 37 CFR 1.129 filing made herein on March 2, 1998 should be effective.

In light of the above, Applicants respectfully request that the filing under 37 CFR 1.129 made herein on March 2, 1998 be entered and prosecution on that CPA application be initiated.

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP



Mark T. Kresnak, Ph.D.
Reg. No. 42,767

Four Embarcadero Center
Suite 3400
San Francisco, CA 94111-4187
Telephone: (415) 781-1989